

Mail Stop Interference
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Filed: June 14, 2010

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Tokyo Ohka Kogyo Co., Ltd.
(Application 10/565,696
Inventors: Ryotaro Hayashi, Hideo Hada, and
Takeshi Iwai),

v.

Shin-Etsu Chemical Co., Ltd.,
Senior Party
(Patent 7,157,207
Inventors: Kenji Funatsu, Tsunehiro Nishi and
Shigehiro Nagura).

Patent Interference No. 105,745 (RES)
(Technology Center 1700)

DECLARATION – 37 C.F.R. § 41.203(b)

Part A. Declaration of interference

- 1 An interference is declared (35 U.S.C. § 135(a)) between the above-
- 2 identified parties. Details of the application and patent, count and claims
- 3 designated as corresponding to the count appear in Parts E and F of this
- 4 DECLARATION.

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Administrative Patent Judge Richard E. Schafer has been designated to manage the interference. 37 C.F.R. § 41.104(a).

Part C. Standing order

A Trial Section STANDING ORDER [SO] (Paper 2) accompanies this DECLARATION. The STANDING ORDER applies to this interference.

Part D. Initial conference call

A telephone conference call to discuss the interference is set for **4:00 p.m. August 9, 2010** (the Board will initiate the call).

No later than **two business days** prior to the conference call, each party shall
and serve (SO ¶¶ 10.1 & 105) a list of the motions (37 C.F.R. § 41.120; 37
C.F.R. § 41.204; SO ¶¶ 104.2.1, 120 & 204) the party intends to file.

A sample schedule for taking action during the motion phase appears as 2 in the STANDING ORDER. Counsel are encouraged to discuss the schedule prior to the conference call and to agree on dates for taking action. A trial motion period lasts approximately eight (8) months. Counsel should be prepared to justify any request for a shorter or longer period.

Part E. Identification and order of the parties

Junior Party

Named inventors: Ryotaro Hayashi
Hideo Hada
Takeshi Iwai

Involved Application: 10/565,696 filed January 24, 2006

Title: Resin for Resist Positive Resist Composition and Method of Forming Resist Pattern

Assignee: Tokyo Ohka Kogyo Co., Ltd.

Senior Party

Named Inventors: Kenji Funatsu
Tsunehiro Nishi
Shigehiro Nagura

Involved Patent: 7,157,207

Title: Polymer, Resist Material and Patterning
Processing

Assignee: Shin-Etsu Chemical Co., Ltd.

The senior party is assigned exhibit numbers 1001-1999. The junior party is assigned exhibit numbers 2001-2999. 37 C.F.R. § 41.154(c)(1); SO ¶ 154.2.1.

The senior party is responsible for initiating required settlement discussions. SO ¶ 126.1.

Part F. Count and claims of the parties

Count 1

Claim 1 of Tokyo Application 10/565,696

or

Claim 2 of Shin-Etsu Patent 7,157,207.

The claims of the parties are:

Tokyo 10/565,696

Claims: 1, 5-8, 12-14, 18 and 19

Shin-Etsu 7,157,207

Claims: 1-7

The claims of the parties which correspond to Count 1 are:

Tokyo 10/565,696

Claims: 1, 5-8, 12-14, 18 and 19

Shin-Etsu 7,157,207

Claims: 1-7

1 The claims of the parties which do not correspond to Count 1, and therefore are not
2 involved in the interference, are:

3 Tokyo 10/565,696
4 Claims: None

5 Shin-Etsu 7,157,207
6 Claims: None

7 The parties are accorded the following benefit for Count 1:

8 Tokyo 10/565,696
9 None

10 Shin-Etsu 7,157,207
11 None

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14 **Part G. Heading to be used on papers**

15 The following heading must be used on all papers filed in this interference.
16 See SO ¶ 106.1.1:

Paper No: Leave blank

Filed on behalf of: *Party @.*

By: *Counsel Name(s) @*

Address @

(@@@) @@@- @@@@ (telephone)

(@@@) @@@- @@@@ (facsimile)

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Title of Paper

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